

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 EUR-25 ISO-00 DLOS-06 IO-14 COA-02 CG-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00 NSC-10

PA-04 RSC-01 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19

AEC-11 AGR-20 EB-11 COME-00 DOTE-00 FMC-04 INT-08

JUSE-00 OMB-01 DRC-01 /216 W
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R 171005Z DEC 73

FM AMEMBASSY BRASILIA

TO SECSTATE WASHDC 975

INFO AMEMBASSY MEXICO

AMEMBASSY NASSAU

AMEMBASSY OTTAWA

C O N F I D E N T I A L BRASILIA 8555

E.O. 11652: N/A

TAGS: PBOR, EFIS, BR, MX, BF, CA

SUBJECT: JURISDICTION OVER FISHERIES

REF: STATE 245037

1. DECISION BY USG TO CLAI* EXCLUSIVE JURISDICTION OVER LOBSTER BEYOND THE TERRITORIAL SEA BECAUSE LOBSTER IS A CREATURE OF THE CONTINENTAL SHELF WOULD STRENGTHEN THE POSITION OF THE 200 MILE ADVOCATES. WE CONSIDER IT LIKELY THAT BRAZIL WOULD TAKE A SIMILAR POSITION ON SHRIMP. THE DIFFERENCE BETWEEN LOBSTER AND SHRIMP WOULD PROBABLY BE CONSIDERED AS TECHNICAL AND NOT SUFFICIENTLY GREAT TO WARRANT DIVERGENT TREATMENT BY BRAZIL.

2. IN DISCUSSIONS ON FISHING ISSUES BRAZILIANS HAVE FREQUENTLY ARGUED THAT SHRIMP SHOULD BE CONSIDERED A CREATURE OF THE SHELF AND REFERRED TO PRECEDENT OF USG TREATMENT OF CRAB. OUR RESPONSE HAS BEEN THAT THE DIFFERENCE BETWEEN THE TWO
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SPECIES IS CLEAR, THAT CRABS WALK AND SHRIMP SWIM.
IF WE REVISE OUR POLICY ON LOBSTERS, WE WOULD HAVE TO

DEFINE OUR POSITION ON THE FACTS CONTAINED IN PARA 3 OF REFTEL, NAMELY THAT THE AMERICAN LOBSTER DOES NOT ENTER THE WATER COLUMN REGULARLY AND WHEN IT DOES, IT IS FOR VERY BRIEF PERIODS. IT IS MORE DIFFICULT TO DEFEND THIS POSITION THAN ONE WHICH MAKES A CLEAR DISTINCTION BETWEEN A CREATURE THAT DOES NOT SWIM, THE CRAB, AND ONE THAT DOES, THE SHRIMP.

3. IF US POLICY CONCERNING LOBSTER IS CHANGED, BRAZILIANS ARE LIKELY TO CHARGE THAT WE ARE SEEKING TO MAINTAIN A DISTINCTION BETWEEN LOBSTER AND SHRIMP NOT BECAUSE OF SIGNIFICANT TECHNICAL DIFFERENCES BUT BECAUSE IT SUITS OUR BASIC INTERESTS. CONSEQUENTLY, IT WOULD BE NATURAL DIFFICULT FOR GOB TO FOLLOW THE US PATTERN ON LOBSTER AND MAKE SIMILAR EXCLUSIVE CLAIMS OVER SHRIMP.

4. OUR ANSWERS TO THE SPECIFIC QUESTIONS RAISED IN PARA 4 OF REFTEL WHICH PRESUME A US CLAIM ON LOBSTER, ARE AS FOLLOWS: A) IT IS PROBABLE THAT BRAZIL WOULD FEEL THAT IT DESERVES A SHRIMP AGREEMENT SIGNIFICANTLY MORE FAVORABLE THAN THE PRESENT ONE; B) IT WOULD BE MUCH MORE DIFFICULT TO PERSUADE HOST GOVERNMENTS TO ACCEPT LIMITATIONS AT LOS CONFERENCE; C) IF AT SAME TIME THAT OUR JURISDICTION ON LOBSTERS IS EXTENDED USG ISSUES STATEMENT TO THE EFFECT THAT MAXIMUM HARVESTING WOULD BE PERMITTED AND TRADITIONAL DISTANT WATER FISHING INTERESTS WOULD BE ACCOMMODATED, WE BELIEVE IT WOULD SERVE TO ATTENUATE ADVERSE EFFECTS ON SHRIMP AGREEMENT WITH BRAZIL AND ON LOS CONFERENCE.
CRIMMINS

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